

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:)	
)	Chapter 11
LTL MANAGEMENT LLC, ¹)	
)	Case No. 21-30589 (JCW)
Debtor.)	
_____)	
)	
LTL MANAGEMENT LLC,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No. 21-03032 (JCW)
)	
THOSE PARTIES LISTED ON APPENDIX)	
A TO COMPLAINT and JOHN AND JANE)	
DOES 1–1000,)	
)	
Defendants.)	
)	

**JOINT DESIGNATION OF EXHIBITS AND WITNESSES
OF CERTAIN MESOTHELIOMA CLAIMANTS AND
THE MDL PLAINTIFFS' STEERING COMMITTEE**

NOW COME the law firms of Maune Raichle Hartley French & Mudd, LLC; Levy
Konigsberg LLP; Kazan, McClain, Satterley & Greenwood; and Weitz & Luxenberg P.C. (on
behalf of “Certain Mesothelioma Claimants”);² together with the Plaintiffs’ Steering Committee
(the “PSC”) in the In re Johnson & Johnson Talcum Powder Products Marketing, Sales Practices

¹ The last four digits of the Debtor's taxpayer identification number are 6622. The Debtor's address is 501 George Street, New Brunswick, New Jersey 08933.

² The law firms submitted the *Memorandum of Law of Certain Mesothelioma Claimants As Creditors in Opposition to Debtor's Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the "Meso Claimants' Memorandum") [ECF No. 44] for practical and procedural purposes only, and these submissions do not constitute any acceptance of service or waiver of rights regarding notice and service.

and Products Liability Multi-District Litigation (MDL No. 2738) before the United States District Court for the District of New Jersey, MDL no. 16-2738 (FLW) (LHG) (the “MDL”), by and through the undersigned counsel, and hereby submit this *Joint Designation of Exhibits and Witnesses of Certain Mesothelioma Claimants and the MDL Plaintiffs’ Steering Committee* (the “Joint Designation”) for the hearing on November 4 and 5, 2021, (the “Hearing”) on the *Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the “Injunction Motion”) [ECF No. 2] filed by the above-captioned debtor (the “Debtor”) and the responses and memoranda in opposition thereto [ECF Nos. 44, 45, 49, 50, and 52], including the Meso Claimants’ Memorandum and *The MDL Plaintiffs’ Steering Committee’s Memorandum of Law in Opposition to Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing* (the “MDL PSC Memorandum”) [ECF No. 49]. Certain Mesothelioma Claimants and the MDL PSC (together, the “Objecting Parties-in-interest”) so designate the following exhibits and witnesses for production at the Hearing, which shall be provided electronically to the Court and opposing counsel:

List of Exhibits

Number	Exhibit Description
Exhibit 1	Barden et al. v. Brenntag et al. Transcript 7/22/2019
Exhibit 2	Herford v. AT&T Corp. et al. Transcript 10/30/2017
Exhibit 3	John Hopkins Deposition Transcript 4/11/2018
Exhibit 4	John Hopkins Deposition Transcript 1/28/2019
Exhibit 5	In re LTL Management – TRO Hearing Transcript 10/22/2021

Exhibit 6	Olson v. J&J et al. Transcript 5/3/2019
Exhibit 7	Marc Monsaeu 2/24/2004 Email and Lab Test Sheet
Exhibit 8	3/16/1998 Letter to John C. O'Shaughnessy
Exhibit 9	J&J JBP Advertisement (1980)
Exhibit 10	John McKeegan 6/4/2000 Email and AP Story
Exhibit 11	John McKeegan Deposition Transcript 6/14/2021
Exhibit 12	J&J "What We Know" Advertisement Review Email 12/17/2018
Exhibit 13	J&J Letter to U.S. House Subcommittee 3/11/2019
Exhibit 14	J&J CEO Alex Gorsky Twitter Video December 2018 ³
Exhibit 15	CNN "Mad Money" Screenshot Featuring J&J CEO Alex Gorsky
Exhibit 16	Olson v. J&J et al. Transcript 5/21/2019
Exhibit 17	Leavitt Jury Verdict Sheets 3/13/2019
Exhibit 18	Prudencio Jury Verdict Sheets 8/19/2021
Exhibit 19	Barden et al. Jury Verdict Sheets 9/11/2019
Exhibit 20	Olson v. J&J et al. Transcript 5/31/2019
Exhibit 21	Olson v. J&J et al. Punitive Damages Bonds
Exhibit 22	J&J Shower to Shower Formulation Letter 10/4/1976
Exhibit 23	Shower to Shower Respirable Particles Study Letter 6/3/1976
Exhibit 24	J&J Kolmar Talc Delivery Letter 1/27/1970
Exhibit 25	Kolmar Labs J&J Formulation Spec Sheet 2/15/1967
Exhibit 26	McNeill-George v. Brenntag, et al. J&J Interrogatory Responses Filed 5/13/2019
Exhibit 27	Etheridge v. Brenntag et al. J&J 8/27/2019 Memorandum re: JJCI
Exhibit 28	Barden et al. v. Brenntag et al. Transcript 8/19/2019
Exhibit 29	Barden et al. v. Brenntag et al. Transcript 9/3/2019
Exhibit 30	French Affidavit – Dickens 6/20/2018
Exhibit 31	French Affidavit – Smith 9/10/2018
Exhibit 32	French Affidavit – English 4/17/2019

³ The video file for Exhibit 14 will be provided to the Court and opposing counsel and may be presented at the Hearing.

Exhibit 33	French Affidavit – Holleman 4/17/2019
Exhibit 35	LTL Management Interrogatory Responses
Exhibit 36	J&J 1979 Form 10-K
Exhibit 37	J&J 1978 Form 10-K (LTL 19191–234)
Exhibit 40	JJBPC Shareholder Meeting and APA re: Omni Transfer 7/21/1981
Exhibit 41	JJBPC and J&J Dental APA 1/3/1988
Exhibit 42	J&J 1978 Annual Report
Exhibit 43	Personal Products Co. Memo re: Shower to Shower 9/21/1978
Exhibit 44	J&J 1979 Annual Report
Exhibit 45	J&J 1980 Annual Report
Exhibit 46	J&J 1981 Form 10-K
Exhibit 47	Personal Products Co. Shower to Shower Spec Sheet 1/3/1978
Exhibit 48	Personal Products Co. Shower to Shower clinical Test 7/29/1981
Exhibit 49	J&J Executive Committee Actions 7/18/1986–9/11/1986 (LTL 19687)
Exhibit 50	J&J & Cyprus Mines Agreement 1/6/1989
Exhibit 51	Kevin Neat Deposition Transcript 8/6/2021
Exhibit 52	Herford v. AT&T Corp. et al. J&J Interrogatory Responses Filed 5/10/2017
Exhibit 53	Kerkhof et al. v. Brenntag et al. J&J Interrogatory Responses
Exhibit 54	Von Salzen v. Am. Inter. Indus. et al. J&J Interrogatory Responses Filed 4/2/2018
Exhibit 55	Lopez v. Brenntag et al. J&J Interrogatory Responses Filed 9/20/2018
Exhibit 56	North River & Lloyd’s Insurance Letter re: Talc Claims 5/31/2018 (LTL 12180–210)
Exhibit 64	Westport Insurance Letter 8/6/2020 (LTL 12483–87)
Exhibit 65	Travelers Insurance Letter 4/22/2021 (LTL 12477–82)
Exhibit 66	Travelers Insurance Letter 9/19/2020 (LTL 12475–76)
Exhibit 67	Travelers Insurance Letter 10/8/2020 (LTL 12471–74)
Exhibit 68	Travelers Insurance Letter 10/2/2020 (LTL 12469–70)
Exhibit 69	Travelers Insurance Letter 9/21/2020 (LTL 12462–68)

Exhibit 70	Travelers Insurance Letter 9/3/2020 (LTL 12453–55)
Exhibit 71	Travelers Insurance Letter 8/27/2020 (LTL 12450–52)
Exhibit 72	Travelers Insurance Letter 8/24/2020 (LTL 12447–49)
Exhibit 73	Travelers Insurance Letter 8/12/2020 (LTL 12444–46)
Exhibit 74	Travelers Insurance Letter 8/4/2020 (LTL 12439–43)
Exhibit 75	Travelers Insurance Letter 7/29/2020 (LTL 12432–38)
Exhibit 76	Travelers Insurance Letter 9/4/2019 (LTL 12424–27)
Exhibit 77	Travelers Insurance Letter 5/10/2019 (LTL 12420–43)
Exhibit 78	Travelers Insurance Letter 4/8/2019 (LTL 12416–19)
Exhibit 79	Travelers Insurance Letter 3/22/2019 (LTL 12411–15)
Exhibit 80	Travelers Insurance Letter 3/1/2019 (LTL 12409–10)
Exhibit 81	Travelers Insurance Letter 1/7/2019 (LTL 12404–08)
Exhibit 82	Travelers Insurance Letter 4/2/2018 (LTL 12326)
Exhibit 83	Safety National Insurance Letter 8/10/2020 (LTL 12313–15)
Exhibit 84	Multiple Insurance Policies Letter 10/18/2021 (LTL 12310–12)
Exhibit 85	Multiple Insurance Policies Letter 9/21/2021 (LTL 12307–09)
Exhibit 86	Multiple Insurance Policies Letter 8/3/2021 (LTL 12304–06)
Exhibit 87	Multiple Insurance Policies Letter 6/22/2021 (LTL 12301–03)
Exhibit 88	Multiple Insurance Policies Letter 5/25/2021 (LTL 12298–300)
Exhibit 89	Multiple Insurance Policies Letter 4/20/2021 (LTL 12293–95)
Exhibit 90	Multiple Insurance Policies Letter 3/22/2021 (LTL 12290–92)
Exhibit 91	Multiple Insurance Policies Letter 2/22/2021 (LTL 12285–87)
Exhibit 92	Multiple Insurance Policies Letter 10/19/2020 (LTL 12270–72)
Exhibit 93	Multiple Insurance Policies Letter 9/22/2020 (LTL 12267–69)
Exhibit 94	Multiple Insurance Policies Letter 8/19/2020 (LTL 12264–66)
Exhibit 95	Multiple Insurance Policies Letter 7/15/2020 (LTL 12261–63)
Exhibit 96	Multiple Insurance Policies Letter 6/22/2020 (LTL 12258–60)
Exhibit 97	Multiple Insurance Policies Letter 4/1/2020 (LTL 12240–42)
Exhibit 98	Multiple Insurance Policies Letter 8/28/2019 (LTL 12225–27)

Exhibit 99	Multiple Insurance Policies Letter 8/28/2019 (LTL 12222–24)
Exhibit 100	Multiple Insurance Policies Letter 6/20/2019 (LTL 12219–21)
Exhibit 101	Multiple Insurance Policies Letter 3/20/2019 (LTL 12214–16)
Exhibit 102	Multiple Insurance Policies Letter 1/10/2019 (LTL 12211–13)
Exhibit 125	Fox Verdict Sheet
Exhibit 126	Ristesund Verdict Sheet
Exhibit 127	Slemp Verdict Sheet
Exhibit 128	<u>Ingham, et al. v. Johnson & Johnson</u> , Decision by Missouri Court of Appeals, June 23, 2020
Exhibit 129	J&J’s Motion for Entry of Order Modifying Automatic Stay filed in <u>In re Imerys Talc America, Inc.</u> , Case No. 19-10289 (LSS), Doc. 1567 (Bankr. Del. March 20, 2020)
Exhibit 130	Stipulation regarding value of J&J and JJCI filed in <u>Kleiner v. Johnson & Johnson and Johnson & Johnson Consumer Inc.</u> in the Court of Common Pleas, Philadelphia County on August 11, 2021
Exhibit 131	J&J Form 10-Q, dated July 4, 2021, pgs. 1 and 31
Exhibit 132	J&J Form 8-K, dated October 19, 2021
Exhibit 133	Email dated October 26, 2021 from Susan Sharko to Judge Schneider regarding stay of MDL
Exhibit 134	J&J’s Reply Brief to PSC’s Memorandum of Law regarding Stay of MDL, Doc. 26052, filed on October 26, 2021
Exhibit 135	Email dated October 27, 2021 from Wayne Fang forwarding correspondence from Chief Judge Wolfson
Exhibit 136	J&J’s Omnibus Reply in Support of J&J’s Motion for Entry of Order Modifying Automatic Stay filed in <u>In re Imerys Talc America, Inc.</u> , Case No. 19-10289 (LSS), Doc. 1769 (Bankr. Del. May 28, 2020)
Exhibit 137	Email dated December 5, 2020 from Lorena Telofski, FW: Talc – Not For Further Distribution (JNJ 000563635)
Exhibit 138	Debtor’s Answers and Objections to Plaintiffs’ Steering Committee First Set of Interrogatories, Executed October 28, 2021
Exhibit 139	Plaintiffs’ Second Amended Master Long Form Complaint and Jury Demand, MDL No. 16-2738 (FLW) (LHG), Doc. 16132-2, Filed December 22, 2020

Exhibit 140	Indemnification and Defense Agreement (Publix), Dated December 22, 2016 (LTL 0019834)
Exhibit 141	Letter Dated April 10, 2017, re: Walgreen Co. defense and indemnity, sent to Richard Gering from Deborah Moeller (LTL 0020917)
Exhibit 142	Letter Dated April 10, 2017, re: Walgreen Co. defense and indemnity, sent to Richard Gering from Deborah Moeller (LTL 0020766)
Exhibit 143	JJCI and J&J October 2021 Supplemental Responses to Plaintiffs' First Set of Interrogatories, MDL No. 16-2738 (FLW) (LHG)
Exhibit 144	J&J 1977 Annual Report (JNJALC 000648170)
Exhibit 145	J&J 1981 Annual Report (JNJALC 000648397)
Exhibit 146	J&J 1982 Annual Report (JNJALC 000648456)
Exhibit 147	J&J 1983 Annual Report (JNJALC 000648518)
Exhibit 148	J&J 1984 Annual Report (JNJALC 000648582)
Exhibit 149	J&J 1985 Annual Report (JNJALC 000648650)
Exhibit 150	J&J 1986 Annual Report (JNJALC 000648718)
Exhibit 151	Photos: Johnson's Baby Powder (tin container)
Exhibit 152	Photo: 1985 Bottle, Trial Bottles
Exhibit 153	Photo: Johnson & Johnson Foot and Body Powder (back of bottle)
Exhibit 154	Photos: Shower to Shower
Exhibit 155	Moure-Cabrera Transcript of Jury Instructions
Exhibit 156	Moure-Cabrera Verdict Sheet
Exhibit 157	PSC's Second Amended Notice of 30(b)(6) Deposition of Johnson and Johnson (Tina French Deposition Exhibit 1)
Exhibit 158	Tina French, Deposition Transcript Designation, August 15, 2018 ⁴
Exhibit 159	John Hopkins, Barden v. Brenntag et al, Trial Transcript Designation, July 22, 2019
Exhibit 160	Joanne Waldstreicher, M.D., Deposition Transcript Designation, September 14, 2018 ⁵

⁴ The video filed for the Exhibit 158 be provided to the Court and opposing counsel and may be presented at the Hearing.

⁵ The video filed for the Exhibit 160 be provided to the Court and opposing counsel and may be presented at the Hearing.

Exhibit 161	Plaintiffs' First Amended Master Long Form Complaint and Jury Demand, MDL No. 16-2738 (FLW) (LHG), Doc. 132, Filed March 16, 2017
Exhibit 162	J&J Medical Safety Council - JJMSC Charter - 8/9/2013, LTL 0021817
Exhibit 163	J&J Medical Safety Council - JJMSC Charter - 6/13/2014, LTL 0021827
Exhibit 164	J&J Medical Safety Council - JJMSC Charter - 9/15/2015, LTL 0021838
Exhibit 165	Consumer Medical Safety Council (MSC) Operational Charter - 6/26/2017, LTL 0021848
Exhibit 166	Consumer Medical Safety Council (MSC) Operational Charter - 6/28/2018, LTL 0021859
Exhibit 167	Consumer Medical Safety Council (MSC) Operational Charter - 3/6/2019, LTL 0021870
Exhibit 168	What you need to know about the new JJ Medical Safety Standard, JNJTALC000413044
Exhibit 169	J&J Medical Safety & Innovation: Commitment to a Patient & Consumer - Centered Approach, JNJ000463760
Exhibit 170	Project Fortis 2016 September, JNJ000547079
Exhibit 171	Office of Consumer Medical Safety (OCMS), JNJTALC001383292
Exhibit 172	Declaration of Melanie L. Cyganowski, October 29, 2021
Exhibit 173	2018 Draft Screening Assessment on Talc - Health Canada, JNJTALC001094046
Exhibit 174	2021 Final Screening Assessment on Talc - Health Canada, JNJTALC001494350
Deposition Exhibit 1	LTL Management - Witness Disclosure Letter 10/27/2021
Deposition Exhibit 2	LTL Management - Schirger-Ward Deposition Transcript 10/31/2021
Deposition Exhibit 3	LTL Management - Lisman Deposition Transcript 10/30/2021

The Objecting Parties-in-interest reserve the right to us or introduce additional evidence for rebuttal or impeachment purposes.

List of Witnesses

The Objecting Parties-in-interest do not intend to produce any witnesses but reserve the right to cross-examine any witnesses produced by the Debtor.

Respectfully submitted this, the 3rd day of November, 2021.

**WALDREP WALL BABCOCK
& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

Thomas W. Waldrep Jr. (NC Bar No. 11135)
Kevin L. Sink (NC Bar No. 21041)
James C. Lanik (NC Bar No. 30454)
Jennifer B. Lyday (NC Bar No. 39871)
John R. Van Swearingen (NC Bar No. 53646)
Natalia L. Talbot (NC Bar No. 55328)
370 Knollwood Street, Suite 600
Winston-Salem, NC 27103
Telephone: 336-717-1280
Facsimile: 336-717-1340
Email: notice@waldrepwall.com

MASSEY & GAIL

/s/ Jonathan S. Massey

Jonathan S. Massey (DC Bar No. 457593)
The Wharf
1000 Maine Ave. SW, Suite 450
Washington, D.C. 20024
Telephone: 202-650-5452
Facsimile: 312-379-0467
Email: www.masseygail.com

Attorneys for Certain Mesothelioma Claimants

/s/ Cole Hayes

Cole Hayes (NC Bar No. 44443)
601 S. Kings Drive
Suite F PMB #411
Charlotte, NC 28204
Telephone: 704-490-4247
Email: cole@coleyeslaw.com

Melanie L. Cyganowski
(NY Bar No. 1769678)
Adam C. Silverstein
(NY Bar No. 2556538)
Jennifer S. Feeney
(NY Bar No. 2893337)
OTTERBOURG P.C.
230 Park Avenue
New York, New York 10169
Telephone: (212) 661-9100
Facsimile: (212) 682-6104
mcyganowski@otterbourg.com
asilverstein@otterbourg.com
(Admitted *pro hac vice*)

Attorneys for the MDL PSC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **JOINT DESIGNATION OF EXHIBITS AND WITNESSES OF CERTAIN MESOTHELIOMA CLAIMANTS AND THE MDL PLAINTIFFS' STEERING COMMITTEE** was filed electronically in accordance with the local rules and served upon all parties registered in this matter for electronic service through the CM/ECF system.

This, the 3rd day of November, 2021.

**WALDREP WALL BABCOCK
& BAILEY PLLC**

/s/ Thomas W. Waldrep, Jr.

Thomas W. Waldrep Jr. (NC Bar No. 11135)
Kevin L. Sink (NC Bar No. 21041)
James C. Lanik (NC Bar No. 30454)
Jennifer B. Lyday (NC Bar No. 39871)
John R. Van Swearingen (NC Bar No. 53646)
Natalia L. Talbot (NC Bar No. 55328)
370 Knollwood Street, Suite 600
Winston-Salem, NC 27103
Telephone: 336-717-1280
Facsimile: 336-717-1340
Email: notice@waldrepwall.com

*Attorneys for Certain Mesothelioma
Claimants*